

# **3 FAH-1 H-1500 EQUAL EMPLOYMENT OPPORTUNITY**

## **3 FAH-1 H-1510 PROCEDURES FOR PROCESSING COMPLAINTS OF DISCRIMINATION**

This subchapter contains procedures for processing Complaints of Discrimination which implement the regulations published in 3 FAM 1500 and 29 CFR Part 1614, and should be used in conjunction with those regulations. 29 CFR Part 1614 is published in its entirety on the INFOREGS CD-ROM.

### **3 FAH-1 H-1511 IN THE UNITED STATES**

#### **3 FAH-1 H-1511.1 Department of State**

##### **3 FAH-1 H-1511.1-1 Pre-Complaint Process**

*(TL:POH-30; 10-23-96)*

*(State Only)*

*(Applies to Civil Service and Foreign Service)*

- a. See also 29 CFR 1614.105.
- b. Any employee or applicant for employment who believes that he/she has been discriminated against on the basis of race, color, religion, sex (including sexual harassment), national origin, age, or mental or physical disability must consult an equal employment opportunity (EEO) counselor in an effort to resolve the matter on an informal basis.
- c. The employee or applicant must contact any EEO counselor in the Department within 45 days of the date of the matter alleged to be discriminatory or, in the case of a personnel action, within 45 days of the effective date of the action.
- d. The equal employment opportunity (EEO) counselor shall make inquiries, conduct all interviews, issue notice, file reports, and otherwise carry out his/her responsibilities in accordance with the standards and time limits set forth in 29 CFR 1614.105.

### **3 FAH-1 H-1511.1-2 Formal Complaint**

*(TL:POH-30; 10-23-96)*

*(State Only)*

*(Applies to Civil Service and Foreign Service)*

a. See also 29 CFR 1614.106.

b. If the matter of alleged discrimination has not been resolved to the employee's or applicant for employment's satisfaction during the pre-complaint processing procedure, a formal complaint shall be submitted in writing by the complainant or his/her designated representative.

c. The complainant must submit his/her complaint within 15 calendar days of the date of the notice of final interview with the equal employment opportunity (EEO) counselor to the Deputy Assistant Secretary for S/EEOCR, who will make all necessary arrangements to have the complaint reviewed for acceptance or dismissal, investigated, mediated and resolved, and otherwise processed in accordance with provisions of 29 CFR 1614.106 through 1614.504.

### **3 FAH-1 H-1511.2 USIA**

#### **3 FAH-1 H-1511.2-1 Pre-Complaint Process**

*(TL:POH-30; 10-23-96)*

*(USIA Only)*

*(Applies to Foreign Service)*

See 29 CFR 1614.105.

#### **3 FAH-1 H-1511.2-2 Formal Complaint**

*(TL:POH-30; 10-23-96)*

*(USIA Only)*

*(Applies to Foreign Service)*

a. See 29 CFR 1614.106.

b. Complaints of Discrimination shall be processed in USIA in accordance with provisions of 29 CFR 1614.106 through 1614.504.

## **3 FAH-1 H-1512 AT POSTS ABROAD**

### **3 FAH-1 H-1512.1 Pre-Complaint Process**

*(TL:POH-30; 10-23-96)*

*(Uniform State/USIA)*

*(Applies to Foreign Service)*

a. See also 29 CFR 1614.105.

b. Any employee or applicant for employment, excluding foreign nationals outside the limits of the United States, who believes that he/she has been discriminated against because of race, color, religion, sex (including sexual harassment), national origin, age, or mental or physical disability must contact the post's equal employment opportunity (EEO) counselor in an effort to resolve the matter on an informal basis.

c. The employee or applicant must contact the EEO counselor within 45 days of the date of the matter alleged to be discriminatory or, in the case of a personnel action, within 45 days of the effective date of the action.

d. The equal employment opportunity (EEO) counselor shall make all inquiries, conduct all interviews, issue notices, file reports, and otherwise carry out his/her responsibilities in accordance with the standards and time frames set forth in 29 CFR 1614.105.

### **3 FAH-1 H-1512.2 Formal Complaint**

*(TL:POH-30; 10-23-96)*

*(Uniform State/USIA)*

*(Applies to Foreign Service)*

a. See also 29 CFR 1614.106.

b. If the matter of alleged discrimination has not been resolved to the employee's or applicant's satisfaction during the pre-complaint stage, a formal complaint shall be submitted in writing by the complainant or his/her designated representative.

c. The complainant must submit his/her complaint within 15 calendar days of the date of the notice of final interview with the equal employment opportunity (EEO) counselor to:

State: Deputy Assistant Secretary for S/EEOCR;

USIA: Director, Office Civil Rights.

d. The post's equal employment opportunity (EEO) counselor shall, upon request by the EEO office, transmit the counselor's report of endeavors to resolve the complaint to:

State: Deputy Assistant Secretary for S/EEOCR; or

USIA: Director, Office of Civil Rights;

who will make all necessary arrangements to have the complaint reviewed for acceptance or dismissal, investigated, mediated and resolved, and otherwise processed in accordance with the provisions of 29 CFR 1614.106 through 1614.504.

### **3 FAH-1 H-1513 CONFIDENTIALITY AND FREEDOM FROM RESTRAINT**

*(TL:POH-30; 10-23-96)*

*(Uniform State/USIA)*

*(Applies to Civil Service and Foreign Service)*

a. See also 29 CFR 1614.105(g).

b. At the pre-complaint processing stage of any alleged matter of discrimination, the equal employment opportunity (EEO) counselor shall not:

- Attempt in any way to restrain the employee or applicant from filing a complaint of discrimination; and
- Reveal the identity of any person who consulted the EEO counselor on any alleged matter of discrimination, except when authorized to do so by the employee or applicant, or until the formal complaint of discrimination has been officially accepted by S/EEOCR (State) or OCR (USIA).

### **3 FAH-1 H-1514 RIGHT TO REPRESENTATION AND PRESENTATION OF COMPLAINT**

*(TL:POH-30; 10-23-96)*

*(Uniform State/USIA)*

*(Applies to Civil Service and Foreign Service)*

a. See also 29 CFR 1614.605.

b. At any stage in the presentation of a complaint, including the informal pre-complaint processing phase, the complainant shall have the right to be accompanied, represented, and advised by a representative of his or her choice.

c. The complainant and his/her representative shall have a reasonable amount of official time, if otherwise on duty, to prepare and present the complaint and respond to Agency and EEOC requests for information. Guidance on reasonable amounts of official time may be requested from S/EEOCR (State) or OCR (USIA).

## **3 FAH-1 H-1515 REPORT REQUIREMENTS<sup>3/4</sup>DISPOSITION OF COMPLAINTS**

### **3 FAH-1 H-1515.1 Department of State**

*(TL:POH-30; 10-23-96)*

*(State Only)*

*(Applies to Civil Service and Foreign Service)*

EEO counselors shall report semi-annually or as requested by the Office of Equal Employment Opportunity and Civil Rights.

### **3 FAH-1 H-1515.2 USIA**

*(TL:POH-30; 10-23-96)*

*(USIA Only)*

*(Applies to Foreign Service)*

EEO counselors shall report to the EEO officer on a monthly basis or as specifically requested by the Director, OCR.

## **3 FAH-1 H-1516 THROUGH H-1519 UNASSIGNED**